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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,909	03/29/2001	Masasuke Kawasaki	DSGN:002USMTG	7531

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AUSTIN, TX 78701

EXAMINER

SINGH, SUNIL

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/823,909

Applicant(s)

KAWASAKI, MASASUKEO

Examiner

Sunil Singh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 8-10, 12, 13, 15-20, 22, 23, 40-51, 54, 55, 61, 66-68, 70, 71 and 84-86 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-10, 12, 13, 15-20, 22, 23, 40-51, 54, 55, 61, 66-68, 70, 71 and 84-86 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8, 9, 61, 66, 84-86 are rejected under 35 U.S.C. 102(b) as being anticipated by British document (GB 2175257).

British document a system useful in stabilizing a vessel, the vessel including a first leg (2), a second leg, a third leg (see page 1 line 15+), and a platform (1) coupled to the first, second, and third legs such that the platform may be raised or lowered along the first, second and third legs, the system comprising: a first brace (8,9,20,25) coupled to the first leg at a first location along the first brace, the first brace forming an acute angle with the first leg; and an anchoring structure (10,11,12,21,22, 24,26,27, the end portions of member (1)) coupled to the first brace at a second location along the first brace, the first and second locations along the first brace defining a first brace length between them; wherein at least a portion of the first brace length is located directly beneath the platform. The legs have racks (see Fig. 1) and the holding rack (5) configured to engage one of the one or more racks (see US Patent 4270877 for such notoriously old and conventional rack and rack holding means).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 12,13,15-16, 17-20, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over British document '257 in view of either Vincken et al. or Petty et al. or Petty et al. or Roach (US 3681928, 4936710, 4293239, 4378178)

British document '257 discloses a system useful in stabilizing a vessel, the vessel including a first leg (2), a second leg, a third leg (see page 1 line 15+), and a platform (1) coupled to the first, second, and third legs such that the platform may be raised or lowered along the first, second and third legs, the system comprising: a first brace (8,9,20,25) coupled to the first leg at a first location along the first brace, the first brace forming an acute angle with the first leg; and an anchoring structure (10,11,12,21,22, 24,26,27, the end portions of member (1)) coupled to the first brace at a second location along the first brace, the first and second locations along the first brace defining a first brace length between them; wherein at least a portion of the first brace length is located directly beneath the platform. British document '257 discloses the invention substantially as claimed. However, British document '257 is silent about the means for tensioning the brace includes a winch driven by a winch motor. Vincken et al., Petty et. al, Petty et al. and Roach all teach means for tensioning a brace which includes a winch driven by a winch motor ((15), see col. 2 line 62; (28), Fig. 1; (13); see col. 5 line

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20+, respectively). It would have been considered obvious to one of ordinary skill in the art to modify British document '257 by substituting the tensioning means as taught by either Vincken et al. or Petty et al. '710, '239 or Roach for the tensioning means disclosed by British document '257 (see British document page 2 line 40 and members 22,24) since it would be an obvious design choice. It should be noted that it is well established in the art to tension a member one can use a winch that is motor actuated.

With regards to claims 15-16, 22-23, British document '257 discloses the invention substantially as claimed. However, British document '257 is silent about including a third brace attached to the first leg and/or the third leg. It would have been considered obvious to one of ordinary skill in the art to modify British document '257 by including a third brace attached to the first leg and/or third leg since it has been held that the mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over British document '257 in view of either Vincken et al. or Petty et al. '239, '710 or Roach as applied to claim 1 above, and further in view of McGehee '815.

British document '257 (once modified) discloses the invention substantially as claimed. However, the (once modified) British document '257 lacks a leg with a pivotal lower end. McGehee teaches a leg with a pivotal lower end (see Fig. 6). It would have been considered obvious to one of ordinary skill in the art to further modify the (once

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modified) British document '257 by making his lower end of his legs pivotable as taught by McGehee in order to be able to place the system on an unlevel seabed.

6. Claims 10, 67,68 are rejected under 35 U.S.C. 103(a) as being unpatentable over British document '257 in view of Kutchai (US 3850397).

British document discloses the invention substantially as claimed. However, it is silent about its brace being rigid. Kutchai teaches a rigid brace (see Figs. 1,2,11). It would have been considered obvious to one of ordinary skill in the art to modify British document by substituting the bracing means as taught by Kutchai for the bracing means disclosed by British document since such a modification is a mere design choice. Depending on what load one is interested in resisting namely compression or tension, such parameter would dictate whether to use a flexible or rigid brace.

7. Claims 40, 41, 43-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over British document in view Wolff et al. (US 5390618).

British document discloses the invention substantially as claimed. However, British document '257 is silent about the means for tensioning the brace tensioning the brace to achieve 40,000 pounds of tension. Wolf et al. teaches means for tensioning the brace tensioning the brace to achieve 40,000 pounds of tension (see col. 10, winch (204)). It would have been considered obvious to one of ordinary skill in the art to modify British document '257 by substituting the tensioning means as taught by Wolfe et al. for the tensioning means disclosed by British document '257 (see British document

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page 2 line 40 and members 22,24) since it would be an obvious design choice. It should be noted that depending on what amount of load one is interested in resisting, then the tensioning means would be chosen accordingly.

With regards to claim 51, it would have been considered obvious to one of ordinary skill in the art to modify the British document by substituting truss type legs for the legs disclosed by British document since this is a mere design choice. It should be noted that it is well established in the art that truss type platform legs are notoriously old and conventional.

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over British document in view of either Vincken et al. or Petty et al. '239, '710 or Roach as applied to claim 1 above, and further in view of either Thomas '798 or Hansen (US 4063426) or Hornsby et al. (US 2892314).

British document (once modified) discloses the invention substantially as claimed.

However, the (once modified) British document lacks protrusions on his footings.

Thomas, Hansen and Hornsby et al. all teach protrusions of footings (see Figs. 1, 8, 4 respectively). It would have been considered obvious to one of ordinary skill in the art to further modify the (once modified) British document '257 by making his footings have protrusions as taught by either Thomas or Hansen or Hornsby et al. in order to more efficiently anchor they system.

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9. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over British document in view of Wolff et al. as applied to claim 40 above, and further in view of either Thomas '798 or Hansen (US 4063426) or Hornsby et al. (US 2892314).

British document (once modified) discloses the invention substantially as claimed.

However, the (once modified) British document lacks protrusions on his footings.

Thomas, Hansen and Hornsby et al. all teach protrusions of footings (see Figs. 1, 8, 4 respectively). It would have been considered obvious to one of ordinary skill in the art to further modify the (once modified) British document '257 by making his footings have protrusions as taught by either Thomas or Hansen or Hornsby et al. in order to more efficiently anchor they system.

10. Claims ⁵⁵¹54, 70, 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over British document '257 in view of either Vincken et al. or Petty et al. or Petty et al. or Roach (US 3681928, 4936710, 4293239, 4378178) or Wolff et al. (US 5390618) and Legleux (US 6461081)

British document discloses the invention substantially as claimed. However, it lacks tension means that include a winch/winch motor and rack and pinion drive means. Vincken et al., Petty et. al, '239 Petty et al. '710, Roach and Wolff et al. all teach means for tensioning a brace which includes a winch driven by a winch motor ((15), see col. 2 line 62; (28), Fig. 1; (13); see col. 5 line 20+; col. 10 , (204), respectively). Legleux teaches rack and pinion drive means (see col. 1 line 25+). It would have been considered obvious to one of ordinary skill in the to modify British document by

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substituting the tensioning means as taught by either Vincken et al. or Petty et al. '710, '239 or Roach or Wolff et al. for the tensioning means disclosed by British document '257 (see British document page 2 line 40 and members 22,24) since it would be an obvious design choice. It would also be obvious to substitute the drive means as taught by Legleux for the drive means disclosed by British document since it would be an obvious design choice. The synchronizing of the tension means and the drive means would be an obvious design choice.

Response to Arguments

11. Applicant's arguments filed 12/13/04 have been fully considered but they are not persuasive. Applicant's argument with respect to claims 1, 40,54 are moot in view of new grounds of rejection. Applicant's argument that British document does not teach racks secured to the legs and a holding rack engaging said leg racks is not concurred with. Please note Figure 1 wherein the racks on the legs are shown, then member (5) is disclosed as the holding rack (see page 2). If applicant is still not convince, the applicant is directed to US Patent 4270877 wherein such operation as disclosed by British document is explained in more detail therein.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

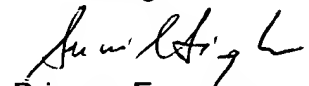
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunil Singh whose telephone number is (703) 308-4024. The examiner can normally be reached on Monday through Friday 8:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sunil Singh



Primary Examiner
Art Unit 3673

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3/18/05

SUNIL SINGH
PRIMARY PATENT EXAMINER